

cm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,921	11/19/2001	Toni Paila	4208-4061	9368

7590 04/21/2004

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,921

Applicant(s)

TONI PAILA

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure submitted on 06/11/03 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC §102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 38-42**, are rejected under 35 U.S.C. 102(e) as being unpatentable over Tigerstedt et al. (US Patent 2002/0187784 A1)

Regarding **claims 38-39**, Tigerstedt teaches a mobile terminal having at least two receivers (page 2 section 0025) enabling the mobile terminal to receive service announcement information of different protocols (WCDMA, GSM, page 3 section 0040), comprising:

means for receiving a service on a first channel (page 1 section 0012, broadcast control channel, BCCH, page 2 section 0016); and

means for receiving pointer data (trigger parameter) on the first channel (broadcast control channel BCCH), wherein the pointer data identifies a second channel on which a service announcement identifying the service received on the first channel is located (base station transmitting the handover parameters on the broadcast control channel to the user terminal) (page

1 section 0012, page 2 section 0017) (from a f4 of an operator 2 affects the operation of the mobile operated in a f3 of the operator 1, page 3 section 0041).

Regarding **claim 40**, Tigerstedt teaches a method wherein the information includes: a frequency (frequency contains list of channels) (see figure 1, page 3 section 0040, section 0041).

Regarding **claim 41**, Tigerstedt teaches a method wherein the service announcement is linked to the frequency. The service announcement (the triggering parameter) is inter-frequency handover (from a f4 of an operator 2 affects the operation of the mobile operated in a f3 of the operator 1, page 3 section 0041).

Regarding **claim 42**, Tigerstedt teaches a method wherein the pointer data (triggering parameter, report) includes the frequency of the second channel (see figure 1, page 3 section 0040), the triggering parameter is inter-frequency handover (from a f4 of an operator 2 affects the operation of the mobile operated in a f3 of the operator 1, page 3 section 0041).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-14, 43-46**, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Keronen et al. (US 2003/003909 A1) in view of Dastrup et al. (US Patent Number 2002/0009993 A1).

6.

Regarding **claims 1, 3-4**, Keronen teaches telecommunication system comprising:

transmitting a service on a first channel (page 3 section 0025); and
transmitting pointer data on the first channel (page 4 section 0034, service announcement the user selects from the service provider data). A second channel identifies at least one of the service announcement transmitted on the first channel (page 4 section 0036). The Base Station (BTS) will forward the service provider identity information (pointer data) to the Mobile (MS) via broadcast channel (see figure 3, page 3 section 0026, first channel).

Keronen fails to does not specifically mentions wherein the pointer data identifies a second channel. However Dastrup a communication system for defining and selecting the preferred channel frequencies for communications, based on user defined database of channel preferences (page 1 section 0005, page 5 section 0083), Dustup's system teaches wherein the downlink channel transmits the pointer data (index) identifies a second channel (page 4 section 0069). Dastrup teaches a communication system that transmitting a down link message that identifies data services and their corresponding channels (frequencies), and a user selects the service in the specified channel and transmits on the uplink channel (page 4 section 0069, section 0073, section 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Dastrup with Keronen, in order to permits the user to selects the most economical data link service provider data and channel, no matter where in the world is located.

Regarding **claims 2, 8**, Keronen teaches a method wherein the first channel is frequency and the second channel are frequencies (page 3 section 0027).

Regarding **claims 5, 9, 13**, Keronen teaches a method wherein the first protocols and the second protocol are: DVB, DAB (GSM) (Page 2 section 0022).

Art Unit: 2686

Regarding **claims 6-7, 12, 14**, Keronen teaches a method of telecommunication system comprising:

transmitting a service broadcast information using a first protocol (GSM) together with first pointer data on each of a first plurality of channels (page 3 section 0024), the first protocol (GSM), the first pointer data identifying a first channel containing a plurality of information identifying the information transmitted on each of the first plurality of channels (page 3 section 0023); and

transmitting a service information using a second protocol together (WAP) with second pointer data on each of a second plurality of channels (user selects one of the provider service (page 3 section 0030), the second pointer data identifying a second channel containing a plurality of information identifying the services transmitted on each of the second plurality of channels (page 3 section 0030).

Regarding **claim 10**, Keronen teaches a method wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcement (page 2 section 0011).

Regarding **claim 11**, Keronen does not specifically mentions that a method wherein the information includes: a frequency. However Dastrup a communication system for defining and selecting the preferred channel frequencies for communications, based on user defined database of channel preferences (page 1 section 0005, page 5 section 0083), Dustup's system teaches wherein the downlink channel transmits the pointer data (index) identifies a second channel (page 4 section 0069). Dastrup teaches a communication system that transmitting a down link message that identifies data services and their corresponding channels, and a user selects the service in the specified channel and transmits on the uplink channel (page 4 section 0069, section

Art Unit: 2686

0073, section 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Dastrup with Keronen, in order to permits the user to selects the most economical data link service provider data and channel, no matter where in the world is located.

Regarding **claims 43-44**, Keronen teaches article of manufacture (computer) comprising:

a computer readable medium (the base station operates by a computer readable medium) including instructions for:

transmitting a service on a first channel (page 3 section 0025); and

transmitting pointer data on the first channel (page 4 section 0034). The BTS will forward the service provider identity information (pointer data) to the MS via broadcast channel (see figure 3, page 3 section 0026). Keronen fails to does not specifically mentions wherein the pointer data identifies a second channel. However Dastrup a communication system for defining and selecting the preferred channel frequencies for communications, based on user defined database of channel preferences (page 1 section 0005, page 5 section 0083), Dustup's system teaches wherein the downlink channel transmits the pointer data (index) identifies a second channel (page 4 section 0069). Dastrup teaches a communication system that transmitting a down link message that identifies data services and their corresponding channels, and a user selects the service in the specified channel and transmits on the uplink channel (page 4 section 0069, section 0073, section 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Dastrup with Keronen, in order to permits the user to selects the most economical data link service provider data and channel, no matter where in the world is located.

Art Unit: 2686

Regarding **claims 45-46**, Keronen teaches an article of manufacture (computer) mobile communication system comprising:

a computer readable medium including instructions(the base station operates by a computer readable medium) for:

transmitting a service on a first channel using a first protocol (GSM) on each of the plurality of a first plurality of channels (page 3 section 0024); and

transmitting a service using a second protocol (WAP) together with second pointer data on each of the second plurality of channels (page 3 section 0030), the second pointer data identifying a second channel containing a plurality of service announcement identifying the services transmitted on the first plurality and the second plurality of channels (page 3 section 0030).

7. **Claims 15, 18-37, 47-49**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Keronen et al. (US 2003/003909 A1) in view of Dastrup et al. (US Patent Number 2002/0009993) in further view of the Abecassis (US Patent Number 6,192,340 b1).

Regarding **claims 15, 27, 37**, Keronen teaches method/apparatus of accessing a communication channel from a plurality of communication channels within a network with a mobile terminal (col 12 lines 7-18) capable of receiving at least one signal from at least one of the communications channels within the network (page 2 section 0011, col 4 lines 65-67, col 5 lines 1-25), the method comprising:

identifying at least one communication channel that is transmitting signals receivable by the mobile terminal (broadcast channel), accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal, receiving first signals from the

Art Unit: 2686

first communications channel (mobile receives the broadcast information, page 2 section 0023, page 3 section 0023);

searching in the first signal (broadcast channel) for redirection information (service provider information, for example such as restaurant, franchise business ext..), mobile searches on the first channel for the specified data (page 3 section 0024);

selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time (page 3 section 0024, section 0027).

The combination of Keronen and Dastrup fails to teach a method wherein selecting and accessing a third communication channel if the redirection information is not received within the first period of time. However Abecassis teaches a method wherein selecting and accessing a third communication channel if the redirection information is not received within the first period of time (col 21 lines 59-67, col 22 lines 1-5, col 29 lines 11-25, lines 39-42). If the desired selection did not receive in a predetermined time (col 17 lines 15-25, col 31 lines 1-4), The user waits for the new broadcast channel (second channel), and then he can choose the third channel for the selection. The user can configure/reconfigure the service provider/multimedia player to pause the radio-on-demand broadcast data, after the user's pause command exceeds a certain time limit, the service provider/multi player retain the required information to initiate the transmission of the radio-on-demand session (second channel), the pause or the rejection of the communication is the time that the redirection information is not received within the first period of time (col 29 lines 39-48). Abecassis further explains mobile user selects a third communication channel based on radio-on-demand information (redirection information) that received on the second channel

Art Unit: 2686

(col 30 line 67, col 31 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Abecassis with the combination of Keronen and Dastrup, in order to enable the users to select any of the existing channels for the purpose of obtaining identified service provider.

Regarding **claims 16-17**, Keronen teaches wherein one service announcement for at least one communication channel transmits over the second communication channel (page 3 section 0024). The list of service provider's data transmits on the broadcast channel from the BTS (base station) to MS (mobile), the mobile user (MS) selects a service from the list of the service provider data (page 4 section 0034).

Regarding **claims 18, 30**, Keronen teaches method wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time, and the mobile terminal is in a selectable mode (standby mode), when mobile is in standby mode, it is ready to selects the information (page 4 section 0034).

Regarding **claims 19, 31**, Keronen inherently teaches a method wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time (page 4 section 0034, standby), wherein the first period of time directly follows initializing the mobile terminal (page 4 section 0035). The mobile powers on, when the BTS transmits the broadcast channel (first channel), the mobile initializes (second channel), therefore, the mobile is in the standby mode for a predetermined time, then mobile can selects a service provider (weather, financial, and sports, page 4 section 0034, 0035), if the BTS does not receive any respond in first predetermined time, it waits for the second broadcast to transmits another broadcast channel in the second predetermined time.

Art Unit: 2686

Regarding **claims 20, 32**, Keronen teaches method wherein the first period of time is determined by a number of the plurality of communication channels (page 2 section 0023).

Regarding **claims 21, 33**, the combination of Keronen and Dastrup does not specifically mention that the third communication channel is selected randomly from the plurality of communication channels. However Abecassis teaches the communication channel is selected randomly from the plurality of communication channels (col 24 lines 50-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Abecassis with the combination of Keronen and Dastrup, in order to enable users to select any of the existing channels for the purpose of obtaining identified service provider.

Regarding **claim 22**, Keronen teaches wherein the redirection information is transmitted at a first interval on at least one communication channel (broadcast channel, page 32 section 0023, section 0024). The mobile powers on, when the BTS transmits the broadcast channel, the mobile initializes, therefore, the mobile is in the standby mode for a predetermined time, then mobile can select a service(weather, financial, and sports, page 4 section 0034, 0035), if the BTS does not receive any respond from the mobile during the predetermined time, it waits for the second broadcast to transmits another broadcast channel in the second predetermined time.

Regarding **claims 23, 35**, the combination of Keronen and Dastrup fails to teach a method wherein the first interval on one channel is not equal to a second interval on the other channel from the plurality of communication channels, wherein the redirection information is transmitted at the second interval. However Abecassis teaches a method wherein the first interval on one channel is not equal to a second interval on the other channel from the plurality of communication channels, wherein the redirection information is transmitted on the second

Art Unit: 2686

predetermined time (col 21 lines 59-67, col 22 lines 1-5, col 29 lines 11-25, lines 39-42). The user can configure/reconfigure the service provider/multimedia player to pause the radio-on-demand broadcast data, after the user's pause command exceeds a certain time limit, the service provider/multi player retain the required information to initiate the transmission of the radio-on-demand session (second channel), therefore the user can configure the service provider to broadcast data on the second predetermined time interval that is not equal to the first predetermined time (col 29 lines 39-48), on lines 54-62, col 30 lines 33-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Abecassis with the combination of Keronen and Dastrup, in order to enable users to select any of the existing channels for the purpose of obtaining identified service provider.

Regarding **claim 24**, Keronen teaches wherein at least one communication channel is a specific frequency (broadcast channel, page 2 section 0011). Usually the frequency contains the list of the channels.

Regarding **claims 25, 36**, Keronen inherently teaches wherein the first communication channel is the second communication channel (page 3 section 0024). At the time that the base station broadcasts for example just a service such as specific restaurant, the user selects the specific restaurant, then the first channel would be the second channel.

Regarding **claims 26, 34**, Keronen teaches wherein the redirection information frequency is transmitted at a first interval on one communication frequency (broadcast channel page 2 section 0011, frequency contains list of channels) (page 3 section 0025).

Art Unit: 2686

Regarding **claims 28-29**, Keronen teaches a method wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcement (page 2 section 0011).

Regarding **claims 47-48**, Keronen teaches an article of manufacture (computer) comprising:

a computer readable medium including instructions (base station and mobile are each a computer) for:

identifying at least one communication channel that is transmitting signals receivable by the mobile terminal (page 3 section 0027);

accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal (page 3 section 0028, user selects from the broad cast channel);

receiving first signals from the first communications channel (page 3 page 0029),

searching in the first signals for redirection information, selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time (page 3 section 0029), and

the combination of Keronen and Dastrup fails to teach a method wherein selecting and accessing a third communication channel if the redirection information is not received within the first period of time. However Abecassis teaches a method wherein selecting and accessing a third communication channel if the redirection information is not received within the first period of time (col 21 lines 59-67, col 22 lines 1-5, col 29 lines 11-25, lines 39-42), when the user receives the service data on the second broadcast channel on a second predetermined time, he chooses the third channel for selecting the desire service data (col 17 lines 15-25, col 31 lines 1-4). The user

Art Unit: 2686

can configure/reconfigure the service provider/multimedia player to pause the radio-on-demand broadcast data, after the user's pause command exceeds a certain time limit, the service provider/multi player retain the required information to initiate the transmission of the radio-on-demon session (second channel) , the pause or the rejection of the communication is the time that the redirection information is not received with in the first period of time (col 29 lines 39-48), on col 30 lines 33-37, it explains the pointer data contains the service information. Abecassis further explains mobile user selects a third communication channel base on radio -on-demand information (redirection information) (col 30 line 67, col 31 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Abecassis with the combination of Keronen and Dastrup, in order to enable the users to select any of the existing channels for the purpose of obtaining identified service provider.

Regarding **claim 49**, the combination of Keronen and Dastrup fails to teach a method wherein a user of the mobile terminal specifies the first period of time. However Abecassis teaches a method wherein the first period of time is specified by a user of the mobile (col 13 lines 23-38). However Abecassis teaches a method wherein selecting and accessing a third communication channel if the redirection information is not received within the first period of time (col 21 lines 59-67, col 22 lines 1-5, col 29 lines 11-25, lines 39-42), when the user receives the service data on the second broadcast channel on a second predetermined time, he chooses the third channel for selecting the desire service data (col 17 lines 15-25, col 31 lines 1-4). The user can configure/reconfigure the service provider/multimedia player to pause the radio-on-demand broadcast data, after the user's pause command exceeds a certain time limit, the service provider/multi player retain the required information to initiate the transmission of the radio-on-

Art Unit: 2686

demon session (second channel) , the pause or the rejection of the communication is the time that the redirection information is not received with in the first period of time (col 29 lines 39-48), on col 30 lines 33-37, it explains the pointer data contains the service information. Abecassis further explains mobile user selects a third communication channel base on radio -on-demand information (redirection information) (col 30 line 67, col 31 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Abecassis with the combination of Keronen and Dastrup, in order to enable the users to select any of the existing channels for the purpose of obtaining identified service provider.

8. **Claim 50**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Keronen et al. (US 2003/003909 A1), Dastrup et al. (US Patent US Patent number 2002/0009993 A1) in view of Abecassis (US Patent Number 6,192,340) in further view of the Dufort (US Patent Number 2001/0014611 A1).

Regarding **claim 50**, the combination of Keronen modife3d by Dastrup and Abecassis fails to teach a method wherein the first time period is established in the mobile terminal at a time of manufacture. However Dufort teaches a communication system wherein the first time period is established in the mobile terminal at a time of manufacture (page 5 section 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Dufort with the Keronen modified by Dastrup and Abecassis, in order to provide easy and quick and fully customizable responses from the called party without the need for using expensive software.

Conclusion

9. Applicant's arguments with respect to claims 1-50, have been considered but are moot in view of the new ground(s) of rejection.

10. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

Application/Control Number: 09/988,921

Page 16

Art Unit: 2686

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha

Banks-Harold be reached (703)305-4379.

NM

March 8, 2004

Marsha D. Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600